

Before the Federal Communications Commission

Petition for Designation as an Eligible Telecommunications Carrier
Pursuant to section 214(e)(6) of the Act

**In the Matter of
Telecommunications Carriers
Eligible to Receive CAF II Support**

**Plains Internet, LLC
Petition for Designation as an Eligible
Telecommunications Carrier (ETC) to
Receive CAF II support for the State of
New Mexico**

)
)
)
) **WC Docket No. 09-197**
)
)
)
)
)
)

DOCKET FILE COPY ORIGINAL

No. of Copies rec'd 044
List ABCDE

Plains Internet, LLC ("Plains Internet") as a CAF II support recipient, is seeking FCC designation as an Eligible Telecommunications Carrier ("ETC") to serve the census blocks shown in exhibit A in the state of New Mexico.

I. INTRODUCTION & SUMMARY

Plains Internet, LLC ("Plains Internet") is a facilities-based telecommunications carrier located at 7519 Canyon Drive, Amarillo, TX 79110, that has been awarded CAFII support and seeks designations as an Eligible Telecommunications Carrier in New Mexico. The requested ETC designation will promote the public interest by providing underserved consumers a choice of a significant new facilities-based competitor in the marketplace. Plains Internet's entry into the market will create competitive pressure on all providers, resulting in a higher level of service quality and more competitive pricing and advantageous service options for underserved consumers in New Mexico. As discussed below, Plains Internet meets all statutory and regulatory prerequisites for ETC designation. Furthermore, the public interest would be greatly served by granting this petition, enabling Plains Internet to advance service in New Mexico by serving the basic and advanced communications needs of underserved consumers.

II. BACKGROUND

Plains Internet is a facilities-based, regional provider of competitively-priced wireless VOIP, and data services. Plains Internet holds a Common Carrier Radio Operator's license issued by the Federal Communications Commission, Wireless Technology Bureau. Plains Internet LLC Has provided wireless internet service to over 3000 customers since March 2016. Plains Internet has deployed an advanced terrestrial fixed wireless telecommunications network capable of serving consumers basic and advanced communications needs.

III. Service Requirements

Plains Internet will offer all services that the Commission designates for high cost universal service support throughout our designated service areas either using our own facilities or a combination of our own facilities and resale of another carrier's services.

Plains Internet will advertise the availability of these services (and the charges thereof) using media of general distribution. Plains Internet will offer supported qualifying voice service using a combination of its own facilities and resale. Plains Internet will offer voice telephony as a standalone service throughout our designated service areas. Plains Internet will offer voice telephony services at rates that are reasonably comparable to urban rates. Plains Internet will be legally responsible for dealing with customer problems, providing quality of service guarantees, and meeting universal service fund (USF)-related requirements. Accordingly, Plains Internet will satisfy its voice obligation by offering voice service through an affiliate or by offering a managed voice solution (including VoIP) through a third-party vendor and will not simply rely on the availability of over the top voice options.

IV. PLAINS INTERNET MEETS THE STATUTORY AND REGULATORY PREREQUISITES FOR THE REQUESTED ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION

As demonstrated herein, Plains Internet meets the requirements for designation as an ETC

Plains Internet:

1. Is a common carrier;
2. Will offer the services supported by the CAFII support mechanisms within its service areas.
3. Will use a combination of its own facilities and resale to provide the supported services;
4. Will provide all the supported services, throughout its designated service area;
5. Will advertise the availability of its universal service offerings and charges for such offerings using media of general distribution;
6. Will meet the additional application requirements established by the FCC by:
 - a) certifying that it will comply with the minimum service requirements applicable to the support that it receives;
 - b) demonstrating it is able to remain functional in emergency situations;
 - c) demonstrating it will satisfy consumer protection and service quality standards;
 - d) has demonstrated through the CAFII application process that it is financially and technically capable of providing service in compliance with Commission rules;

e) distributing information on its service offering.

7. Will comply with all applicable reporting requirements and additional conditions; and,

8. Will take steps to help prevent waste, fraud, and abuse of the USF.

Furthermore, Plains Internet designation as an ETC serves the public interest by expanding customer choice and increasing service availability. Plains Internet's compliance with each of the applicable requirements to obtain ETC designation is discussed below:

A. Plains Internet is a Common Carrier

Plains Internet is regulated as a common carrier. As such, Plains Internet certifies that it is a common carrier for purposes of ETC designation. Therefore, Plains Internet meets the ETC requirement of being a common carrier.

B. Plains Internet Offers the Services Supported by the Federal Universal Service Support Mechanisms

As described below, Plains Internet provides fixed wireless service supported by federal universal service support mechanisms, including the following capabilities:

Plains Internet LLC meets the tier service speed standards for fixed wireless at 100 Mbps for download and 20 Mbps for upload. Plains Internet, LLC also offers unlimited data on all service packages.

C. Plains Internet has the Ability to Function in Emergency Situations

Plains Internet has back-up power sufficient to ensure functionality in the designated service areas without an external power source and is able to re-route traffic around damaged facilities and is capable of managing traffic spikes resulting from emergency situations.

V. Waiver of Five-Year Plan

Under section 54.202 of the Commission's rules, the Commission adopted additional

requirements for parties seeking an FCC ETC designation.¹ For example, a petitioner seeking an FCC ETC designation must submit a five-year improvement plan and a certification committing to implement consumer protection and customer service standards. The Commission adopted these requirements in 2005, in conjunction with related annual reporting obligations, to monitor carriers' use of funding.

For CAF recipients, however, the Commission adopted more specific measures to track deployment, including annual reporting of service to geocoded locations and certification of compliance with benchmark milestones. For this reason, the Commission eliminated the five-year improvement plan requirement for price-cap and rate-of-return carriers and for recipients of funding under the rural broadband experiments.² The Commission also eliminated, for all CAF recipients, the annual reporting obligations associated with both the five-year improvement plan and the consumer protection certification, after determining that such obligations were no longer essential to the Commission's ability to monitor ETC use of support for its intended purpose. Consistent with these decisions, the Commission found good cause to waive, on their own motion, the requirement that winning bidders seeking an FCC ETC designation file a five-year improvement plan and demonstrate that it will satisfy applicable consumer protection and service quality standards.³

¹ 47 CFR § 54.202

² *2016 Rate-of-Return Reform Order*, 31 FCC at 3166, 3168, paras. 216, 220 (eliminating five-year plan and related progress reports for rate-of-return and price-cap carriers); *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket Nos. 10-90, 14-58, 29 FCC Rcd 8769, 8801, 8095, para. 77 (2014) (eliminating five-year plan requirement for recipients of rural broadband experiment support)

³ Generally, the Commission's rules may be waived if good cause is shown. 47 CFR § 1.3. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Ne. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990). In addition, the Commission may consider issues of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Ne. Cellular*, 897 F.2d at 1166. Waiver of the Commission's rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008); *Ne. Cellular*, 897 F.2d at 1166.

Plains internet will continue to meet all other requirements of section 54.202 of the Commission's rules, i.e., Plains Internet will (1) certify its commitment to meeting the service and performance requirements applicable to the High Cost support;⁴ and (2) demonstrate our ability to remain functional in emergency situations.⁵

VI. ETC Designation Serves the Public Interest, Convenience and Necessity

Currently, Plains Internet serves the telecommunications needs of consumers in Texas, and through its proposed CAF II offering, Plains Internet plans to expand its business into New Mexico by making available to consumers a new, more affordable service offering that meets their basic and advanced communication needs

Designating Plains Internet as an ETC will bring important public interest benefits. The designation will allow a regional facilities-based service provider to expand the market in New Mexico. This will place significant competitive pressure on other providers, to the benefit of consumers and CAF II program. The benefits to consumers will be significant and include: (i) greater customer choice; (ii) a new, facilities-based service offering with competitive pricing, services, and features; (iii) continued contribution to the economy through Plains Internet's facilities and employment; and (iv) access to a region wide network and quality, broadband services. The benefits of competition are widely recognized and extend to all markets, CAFII universal service market, as recognized by the FCC: The additional choice and service options of another broadband [carrier] represents a significant benefit for consumers and is in the public interest. A new entrant should incent existing broadband ETC's to offer better service and terms to their customers. Consumers increasingly rely on wireless broadband services for their entire telecommunications needs.

⁴ 47 CFR § 54.202(a)(1)(i).

⁵ ³⁶ *Id.* § 54.202(a)(2) (requiring a petitioner seeking an FCC ETC designation to "[d]emonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations").

Plains Internets designation as an ETC will result in consumers having greater access to wireless broadband telecommunications services, particularly from facilities-based carriers, thereby advancing the basic goal of preserving and advancing universal service. Plains Internets plan allows customers to control costs by receiving a preset monthly rate with unlimited data. The wireless broadband services that Plains Internet offers will provide customers with an affordable alternative to traditional telecommunications service. Plains Internets designation as an ETC will enable the Company to make available competitive service offerings to consumers throughout its designated service area. Designating Plains Internet as an ETC will provide an additional alternative to the existing service plans currently being offered and thus will promote competition and advance communication services for the benefit of the residents of the State of New Mexico.

VII. Certification of Eligibility for Benefits under the Anti-Drug Abuse Act

Plains Internet certifies that no party to this Petition is subject to denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.⁶

VIII. Post-Designation Reporting Obligations

Plains Internet will file on a recurring basis:

Annual Section 54.313 Report. On July 1st of the year following the year an ETC begins receiving support and on each subsequent July 1st thereafter, it must file an FCC Form 481.⁷ Annual reports are filed with the Universal Service Administrative Company (USAC).⁸

⁶ *Id.* § 1.2002.

⁷ 47 CFR § 54.313(h)(2)(i); *Id.* § 54.313(j).

⁸ *ETC Reporting Obligations Elimination Order*, 32 FCC Rcd at 5948, para. 15 (determining that the Commission “will no longer require ETCs to file duplicate copies of Form 481 with the FCC and with states, U.S. Territories, and/or Tribal governments beginning in 2018”); 47 CFR § 54.313.

ETCs must complete the FCC Form 481 on USAC's website.⁹ As part of this form, carriers must test and certify compliance with relevant performance requirements in section 54.309 of the Commission's rules.¹⁰ The Wireline Competition Bureau (WCB), the Wireless Telecommunications Bureau (WTB), and the Office of Engineering and Technology (OET) have adopted a uniform framework to measure and report on the performance of ETCs' broadband service.¹¹

Annual 54.314 Certification. On October 1st, beginning in the year after the winning bidder begins receiving support and continuing throughout the entire support term, an ETC designated by the FCC must certify that the support received in the prior year was used, and the support that will be received in the upcoming year will be used, only for the provision, maintenance, and upgrading of facilities and services for which support is intended.¹² An ETC designated by the FCC must self-certify by filing a sworn affidavit executed by a corporate officer attesting to the relevant facts.¹³ Certifications must be filed with both the FCC and USAC. ETCs may submit their certifications to USAC via its online filing system¹⁴ or by sending the appropriate certification sample letter (provided on USAC's website) via email or U.S. mail.¹⁵ Certifications must also be submitted to the FCC's Office of the

⁹ See Universal Service Administrative Company High Cost Forms, Form 481, <http://www.usac.org/hc/tools/forms.aspx>; Instructions for Completing FCC Form 481, http://www.usac.org/_res/documents/hc/pdf/forms/FCC-Form-481-Instructions.pdf

¹⁰ 47 CFR § 54.309.

¹¹ *Performance Measures for Connect America High-Cost Universal Service Support Recipients*, WC Docket No. 10-90, Order, DA 18-710 (WCB/WTB/OET rel. July 6, 2018); see also *Connect America Fund et al.*, Order on Reconsideration, 33 FCC Rcd 1380, 1387, para. 16 (2018) (*Phase II Auction Reconsideration Order*) (establishing general guidelines for the adoption of a performance methodology); *USF/ICC Transformation Order*, 26 FCC Rcd at 17708, para. 112; 47 CFR § 54.313(a)(6).

¹² 47 CFR § 54.314. The affidavit becomes part of the public record. See *id.*

¹³ 47 CFR § 54.314(b), (c)(2). Relevant state authorities submit certifications on behalf of the ETCs they designate.

Id. § 54.314(a).

¹⁴ See Universal Service Administrative Company Online Filing User Guide for Section 54.314 Self-Use Certification, http://www.usac.org/_res/documents/hc/pdf/forms/Self-Certifiers-User-Guide.pdf.

¹⁵ See Universal Service Administrative Company Self-Use Certification Sample Letter, http://www.usac.org/_res/documents/hc/pdf/samples/sample-self-use-cert-letter.pdf.

Secretary on or before October 1st. The submission should clearly reference WC Docket No. 14–58, ETC Annual Reports and Certifications.

Annual Reporting of Location Information. On or before the last business day of the second calendar month following the one-year anniversary of support authorization, and by the same day in subsequent years until all build-out requirements are satisfied, winning bidders must file with USAC through the High-Cost Universal Broadband (HUBB) portal location information, including geocoded data, for each qualifying location to which they are offering the requisite service and identify the kind of technology used to bring such service.¹⁶ In the first year, bidders must submit all locations where the requisite service is being provided, and in subsequent years, all locations to which they are newly offering service.¹⁷ The Commission has consistently encouraged carriers subject to defined deployment obligations and HUBB reporting obligations to report location data on a rolling basis and has adopted a best practice of filing this information within 30 days after the initial offering of service.¹⁸

Milestone Certifications. By the last business day of the second calendar month following each relevant service milestone, an ETC must file a certification that they have met their interim service milestone and are meeting the requisite public interest obligations.¹⁹ If an

¹⁶ 47 CFR § 54.316(a)(4).

¹⁷ *Phase II Auction Order*, 31 FCC Rcd at 6010-11, para. 173.

¹⁸ See *id.* at 6011, para. 173; *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order et al., 31

FCC Rcd 3087, 3164, 3167, paras. 211, 218 (2016); see generally *Wireline Competition Bureau Provides Guidance*

to Carriers Receiving Connect America Fund Support Regarding Their Broadband Location Reporting Obligations,

WC Docket No. 10-90, Public Notice, 31 FCC Rcd 12900, 12910 (2016) (*HUBB Public Notice*); Universal Service

Administrative Company, Filing Geolocated Broadband Deployment Data,

<https://usac.org/hc/tools/hubb.aspx>

¹⁹ 47 CFR § 54.314(b)(4) (requiring a “certification that by the end of the prior support year, it was offering broadband meeting the requisite public interest obligations specific in § 54.309 to the required percentage of its supported locations in each state as set forth in § 54.310(c)”; *id.* § 54.310(c) (“Recipients of Connect America Phase II awarded through a competitive bidding process must complete deployment to 40 percent of supported locations by the end of the third year, to 60 percent of supported locations by the end of the fourth year, to 80 percent of supported locations by the end of the fifth year, and to 100 percent of supported locations by the end of the sixth year.”).

ETC is unable to meet an interim build-out milestone, it must notify the Commission, USAC, and the relevant state, U.S. Territory, or Tribal government as appropriate, no later than ten business days after the applicable deadline.²⁰

IX. Document Retention and Compliance Audits.

Plains Internet will retain, for at least ten years, all records necessary to demonstrate to auditors that the support received was consistent with universal service high-cost program rules and to make these documents available upon request to the FCC (and any of its bureaus or offices) and to USAC, and to their respective auditors.²¹ In addition, Plains Internet understands that as a recipient of high cost support it is subject to random compliance audits and other investigations to ensure compliance with program rules and orders, including verification of actual deployment to reported locations.²²

X. Conclusion

As discussed above, designation of Plains Internet as an Eligible Telecommunications Carrier (ETC) in New Mexico accords with the requirements of the Act and is in the public interest. For all of the foregoing reasons, and pursuant to receiving CAFII funding Plains Internet respectfully requests that the Commission designate it as an Eligible Telecommunications Carrier (ETC) in New Mexico.

²⁰ 47 CFR § 54.320(d).

²¹ 47 CFR § 54.320(b).

²² *Id.* § 54.320(a); *USF/ICC Transformation Order*, 26 FCC Rcd at 17864, para. 621

Respectfully submitted,



Joseph Monroe
Plains Internet, LLC
7519 Canyon Drive
Amarillo, TX 79110
806-410-1314
joseph@plainsinternet.com

Exhibit A

Census Blocks		State	county	Census Block Groups
350450002011022	NM-045-0002011	NM	San Juan	350450002011
350450002012067	NM-045-0002012	NM	San Juan	350450002012
350450002041045	NM-045-0002041	NM	San Juan	350450002041
350450002041070	NM-045-0002041	NM	San Juan	350450002041
350450004013005	NM-045-0004013	NM	San Juan	350450004013
350450004021002	NM-045-0004021	NM	San Juan	350450004021
350450005031060	NM-045-0005031	NM	San Juan	350450005031
350450005032042	NM-045-0005032	NM	San Juan	350450005032
350450005042139	NM-045-0005042	NM	San Juan	350450005042
350450005051047	NM-045-0005051	NM	San Juan	350450005051
350450005051048	NM-045-0005051	NM	San Juan	350450005051
350450006071044	NM-045-0006071	NM	San Juan	350450006071
350450006071051	NM-045-0006071	NM	San Juan	350450006071
350450006072007	NM-045-0006072	NM	San Juan	350450006072
350450006081031	NM-045-0006081	NM	San Juan	350450006081
350450006081058	NM-045-0006081	NM	San Juan	350450006081
350450006081061	NM-045-0006081	NM	San Juan	350450006081
350450006083022	NM-045-0006083	NM	San Juan	350450006083
350450006102002	NM-045-0006102	NM	San Juan	350450006102
350450006102004	NM-045-0006102	NM	San Juan	350450006102
350450006103034	NM-045-0006103	NM	San Juan	350450006103

350450006113018	NM-045-0006113	NM	San Juan	350450006113
350450006132026	NM-045-0006132	NM	San Juan	350450006132
350450006132048	NM-045-0006132	NM	San Juan	350450006132
350450007071012	NM-045-0007071	NM	San Juan	350450007071
350450007073047	NM-045-0007073	NM	San Juan	350450007073
350450007082001	NM-045-0007082	NM	San Juan	350450007082
350459428012038	NM-045-9428012	NM	San Juan	350459428012
350459428012041	NM-045-9428012	NM	San Juan	350459428012
350459428012042	NM-045-9428012	NM	San Juan	350459428012
350459428012097	NM-045-9428012	NM	San Juan	350459428012
350459428012102	NM-045-9428012	NM	San Juan	350459428012
350459428012142	NM-045-9428012	NM	San Juan	350459428012
350459428012204	NM-045-9428012	NM	San Juan	350459428012
350459428012229	NM-045-9428012	NM	San Juan	350459428012
350459428012260	NM-045-9428012	NM	San Juan	350459428012
350459428012333	NM-045-9428012	NM	San Juan	350459428012
350459428012399	NM-045-9428012	NM	San Juan	350459428012
350459428012454	NM-045-9428012	NM	San Juan	350459428012
350459428012487	NM-045-9428012	NM	San Juan	350459428012
350459428013007	NM-045-9428013	NM	San Juan	350459428013
350459428013010	NM-045-9428013	NM	San Juan	350459428013
350459428013021	NM-045-9428013	NM	San Juan	350459428013
350459428013022	NM-045-9428013	NM	San Juan	350459428013
350459428013041	NM-045-9428013	NM	San Juan	350459428013

350459428013042	NM-045-9428013	NM	San	350459428013
			Juan	
			San	
350459428013051	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013062	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013087	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013090	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013101	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013164	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013186	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013221	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013223	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013233	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013255	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013288	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013334	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013336	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013355	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013384	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013436	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013440	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013445	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013446	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013565	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013569	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013628	NM-045-9428013	NM	Juan	350459428013

350459428013630	NM-045-9428013	NM	San	350459428013
			Juan	
			San	
350459428013634	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013639	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013649	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013654	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013655	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013657	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013660	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013681	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013706	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013743	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013747	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013752	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013797	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013820	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013833	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013842	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013848	NM-045-9428013	NM	Juan	350459428013
			San	
350459428013877	NM-045-9428013	NM	Juan	350459428013
			San	
350459428033004	NM-045-9428033	NM	Juan	350459428033
			San	
350459428033022	NM-045-9428033	NM	Juan	350459428033
			San	
350459428033041	NM-045-9428033	NM	Juan	350459428033
			San	
350459429001005	NM-045-9429001	NM	Juan	350459429001
			San	
350459429001019	NM-045-9429001	NM	Juan	350459429001

350459429001025	NM-045-9429001	NM	San Juan	350459429001
350459429001044	NM-045-9429001	NM	San Juan	350459429001
350459429001048	NM-045-9429001	NM	San Juan	350459429001
350459429001067	NM-045-9429001	NM	San Juan	350459429001
350459429001071	NM-045-9429001	NM	San Juan	350459429001
350459429001085	NM-045-9429001	NM	San Juan	350459429001
350459429001092	NM-045-9429001	NM	San Juan	350459429001
350459429001099	NM-045-9429001	NM	San Juan	350459429001
350459429001107	NM-045-9429001	NM	San Juan	350459429001
350459429001146	NM-045-9429001	NM	San Juan	350459429001
350459429001154	NM-045-9429001	NM	San Juan	350459429001
350459429001171	NM-045-9429001	NM	San Juan	350459429001
350459429001196	NM-045-9429001	NM	San Juan	350459429001
350459429001210	NM-045-9429001	NM	San Juan	350459429001
350459429001229	NM-045-9429001	NM	San Juan	350459429001
350459429001244	NM-045-9429001	NM	San Juan	350459429001
350459429001264	NM-045-9429001	NM	San Juan	350459429001
350459429001272	NM-045-9429001	NM	San Juan	350459429001
350459429001276	NM-045-9429001	NM	San Juan	350459429001
350459429001277	NM-045-9429001	NM	San Juan	350459429001
350459429001279	NM-045-9429001	NM	San Juan	350459429001
350459429001283	NM-045-9429001	NM	San Juan	350459429001
350459429001306	NM-045-9429001	NM	San Juan	350459429001
350459429001315	NM-045-9429001	NM	San Juan	350459429001

350459429001319	NM-045-9429001	NM	San	350459429001
			Juan	
			San	
350459429001324	NM-045-9429001	NM	Juan	350459429001
			San	
350459429001326	NM-045-9429001	NM	Juan	350459429001
			San	
350459429001343	NM-045-9429001	NM	Juan	350459429001
			San	
350459429001344	NM-045-9429001	NM	Juan	350459429001
			San	
350459429001356	NM-045-9429001	NM	Juan	350459429001
			San	
350459429001443	NM-045-9429001	NM	Juan	350459429001
			San	
350459429001444	NM-045-9429001	NM	Juan	350459429001
			San	
350459429001450	NM-045-9429001	NM	Juan	350459429001
			San	
350459429002001	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002015	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002049	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002050	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002051	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002073	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002075	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002087	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002092	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002101	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002105	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002108	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002109	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002111	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002124	NM-045-9429002	NM	Juan	350459429002

350459429002131	NM-045-9429002	NM	San	350459429002
			Juan	
			San	
350459429002148	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002199	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002205	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002228	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002233	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002240	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002248	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002251	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002255	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002270	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002318	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002322	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002330	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002334	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002335	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002352	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002354	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002373	NM-045-9429002	NM	Juan	350459429002
			San	
350459429002439	NM-045-9429002	NM	Juan	350459429002
			San	
350459429003023	NM-045-9429003	NM	Juan	350459429003
			San	
350459429003064	NM-045-9429003	NM	Juan	350459429003
			San	
350459429003081	NM-045-9429003	NM	Juan	350459429003
			San	
350459429003083	NM-045-9429003	NM	Juan	350459429003

350459429003092	NM-045-9429003	NM	San	350459429003
			Juan	
			San	
350459429003102	NM-045-9429003	NM	Juan	350459429003
			San	
350459429003116	NM-045-9429003	NM	Juan	350459429003
			San	
350459429003119	NM-045-9429003	NM	Juan	350459429003
			San	
350459429003120	NM-045-9429003	NM	Juan	350459429003
			San	
350459429003139	NM-045-9429003	NM	Juan	350459429003
			San	
350459429003140	NM-045-9429003	NM	Juan	350459429003
			San	
350459429003145	NM-045-9429003	NM	Juan	350459429003
			San	
350459429003146	NM-045-9429003	NM	Juan	350459429003
			San	
350459429003155	NM-045-9429003	NM	Juan	350459429003
			San	
350459429003163	NM-045-9429003	NM	Juan	350459429003
			San	
350459429003165	NM-045-9429003	NM	Juan	350459429003
			San	
350459429003167	NM-045-9429003	NM	Juan	350459429003
			San	
350459429003170	NM-045-9429003	NM	Juan	350459429003
			San	
350459429003171	NM-045-9429003	NM	Juan	350459429003
			San	
350459429003177	NM-045-9429003	NM	Juan	350459429003
			San	
350459429003179	NM-045-9429003	NM	Juan	350459429003
			San	
350459429003194	NM-045-9429003	NM	Juan	350459429003

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

~~DOCKET FILE COPY DUPLICATE~~

IN THE MATTER OF FEDERAL ELIGIBLE)
TELECOMMUNICATIONS CARRIER)
DESIGNATION PROCEEDINGS FOR) Case No. 18-00824-UT
FCC CONNECT AMERICA FUND)
PHASE II AUCTION WINNERS)

Plains Internet, LLC'S

**APPLICATION FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER ("ETC") PURSUANT TO
CAF PHASE II SUPPORT AND
NEW MEXICO PRC ORDER OF SEPTEMBER 12, 2018**

Pursuant to Section 214(e)(2) of the Communications Act, as amended, and the relevant provisions of the New Mexico Public Regulatory Commission's ("PRC") rules, Plains Internet LLC ("Plains Internet") respectfully requests designation as an Eligible Telecommunications Carrier ("ETC") in the state of New Mexico. Specifically, Plains Internet seeks ETC designation in areas

outside the Navajo Nation for which it has been awarded Connect America Fund ("CAF") Plains Internet will be seeking ETC designation from the FCC for the areas on Tribal lands.

Phase II support via FCC Auction 903. On August 28, 2018, the Federal Communications Commission ("FCC") issued a Public Notice closing the Auction and announcing the winning bidders. Plains Internet is obligated to obtain this ETC designation within 180 days of that Public Notice and, therefore, requests expeditious action to conform to this requirement. attached information pursuant to the PRC's "Order Requiring Winning Bidders in Federal Connect American Fund Auction II to File ETC Designation Application with the Commission by September 24, 2018" issued on September 12, 2018 (the "September 12, 2018 Order")

INTRODUCTION AND SUMMARY

Plains Internet, LLC is a privately- owned company with headquarters in Amarillo, Texas, and licensed by the FCC as a facilities- based provider of CMRS and provides those services in primarily rural areas. Plains Internet

focuses principally on areas with a population of 25,000 or less. Plains Internet operates facilities- based networks in 27 counties in Texas. Plains Internet provides VoIP voice and broadband services as well as fixed broadband services over those facilities on both a wholesale and retail basis. As the Winning Bidder in the CAF Phase II Auction, Plains Internet will be filing similar Petitions, seeking ETC designations, in the states of Texas and Oklahoma.

The contact information for Applicant is as follows:

Joseph Monroe
Plains Internet, LLC
7519 Canyon Drive
Amarillo, TX 79110
806-340-7312
joseph@plainsinternet.com

As discussed in more detail below, the NM PRC has the authority to grant Plains Internet ETC designation pursuant to Section 214(e)(2), and Plains Internet meets all of the statutory and regulatory requirements for such designation. Designating Plains Internet as an ETC for purposes of receiving

CAF Phase II universal service funds will serve the public interest by allowing Plains Internet to receive support to serve the areas that it is obligated to serve, thereby expanding the number of new locations that will receive coverage for the finite budget available.

THE NM PRC HAS AUTHORITY TO GRANT THE ETC DESIGNATION

Sections 214(e)(2) allows states to exercise the authority to designate a qualified carrier as an ETC. The NM PRC has previously exercised its authority to designate qualified carriers as ETCs. Therefore, given the requirement that Plains Internet obtain ETC status within 180 days of the FCC's Public Notice, Plains urges the PRC to process this petition for ETC designation without delay. Comm.net requests ETC designation in the areas identified in Exhibit 1 attached hereto. Specifically, Plains Internet requests that the PRC exercise its authority under Section 214(e)(2) to designate the company as an ETC for purposes of receiving high cost universal service support from the Connect America Fund Phase II.

**PLAINS INTERNET MEETS THE STATUTORY AND
REGULATORY PREREQUISITES TO BE DESIGNATED AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER**

As demonstrated herein, Plains Internet satisfies the requirements for designation as an ETC established under the statute and FCC rules. Plains Internet is a provider licensed by the FCC and therefore regulated as and subject to the requirements applicable to a common carrier. Plains Internet is a common carrier and meets this requirement of ETC designation.

Plains Internet Offers the Services Supported by the Federal Universal Service Support Mechanisms

Voice Grade Access to The Public Switched Telephone Network

Plains Internet meets this requirement through its provision of VoIP voice service that is interconnected to the public switched telephone network. Plains Internet's voice service includes minutes of use for local service provided at no charge to end users. Plains Internet voice service also provides access to emergency services via 911 or E-911, wherever available from local government or public safety organizations. Plains Internet commits to provide toll limitation services to qualifying low-income consumers as provided in the FCC's Rules.

Broadband Internet Access Services

Plains Internet's broadband Internet offering provides the capability to transmit and receive data by radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service.

For CAF Phase II support recipients, the FCC defines supported service as qualifying voice service and conditions the grant of funding on the offering of qualifying broadband services. Therefore, an ETC must offer voice telephony as a standalone service throughout the designated service area and must offer voice telephony services at rates that are reasonably comparable to urban rates. Plains Internet commits to provide the supported services consistent with the obligations applicable to CAF Phase II support recipients.

Plains Internet Provides Service Using Its Own Facilities

Plains Internet is a facilities-based VoIP and fixed wireless provider with its own towers, radio equipment, trunking, switching facilities, and other associated facilities. Therefore, Plains Internet meets the applicable facilities-based requirement for ETCs that the supported services must be

provided either using its own facilities or a combination of its own facilities and resale of another carrier's service.

Plains Internet Will Provide Service Throughout Its Designated Service.

Area

Plains Internet commits to provide the supported service throughout its designated service area, attached hereto as Exhibit 1, consistent with all applicable requirements. Plains Internet requested designated ETC service area is the area in which it is awarded CAF Phase JI support via Auction 903 in the state of New Mexico.

Plains Internet Will Advertise the Availability of Its Services and Charges Using Media of General Distribution Plains Internet will advertise the availability of, and charges for, the supported service offerings using media of general distribution. Plains Internet will also undertake outreach initiatives to increase consumer awareness of its Lifeline service offering, consistent with all applicable requirements. Plains Internet currently offers and advertises its services, including those offerings that include all of the supported services, via the Internet, print media, billboards, and targeted

mailings, among others. Plains Internet will advertise its universal service offerings in a manner consistent with applicable requirements.

Plains Internet Meets the Additional Requirements for Designation as an ETC

Plains Internet further certifies that it meets all of the PRC's requirements for designation as an ETC under Section 214(e)(2). Ten year Plan. Plains Internet certifies that it will provide service to the locations for which it has been awarded support consistent with the deployment obligations associated with the receipt of CAF Phase II support including the annual reporting of service to geocoded locations and certification of benchmark milestones. Given these obligations, the FCC has waived the requirement that winning bidders seeking an FCC ETC designation file a five-year service improvement plan.

Compliance With Applicable Service Requirements.

Plains Internet certifies that it will comply with the service requirements applicable to CAF Phase II support that it receives.

Ability to Remain Functional in Emergency Situations. –

Plains Internet has the ability to remain functional in emergency situations as required by FCC rules. Specifically, Plains Internet has adequate amounts of back-up power to ensure functionality without an external power source. and is able to reroute traffic around damaged facilities and is capable of managing traffic spikes resulting from emergency situations. Plains Internet further commits to comply with any applicable reporting requirements of the FCC with respect to outages. The Plains Internet system is reinforced by the presence of generator backups, capable of running for extended periods in the event of a major electrical outage. These include back-up batteries that provide at least four hours of back-up power and portable generators can be moved to individual tower sites as needed. Because individual tower sites are spread out, it is highly unlikely that an electrical outage would affect more than two sites simultaneously. In the event of power or other types of failure, the tower sites are equipped with alarms that will alert Plains Internet technicians. Additionally, the sites are monitored remotely by Plains Internet's 24/7 Network Operations Center (NOC) should there be a total communications failure at the site. Plains Internet's main switch connectivity to the public switched voice network is based on a ring topology and is redundant - if the ring is cut, call Traffic can be re-routed. Plains uses both microwave and leased lines for added diversity to tower site hubs. Backbone

traffic lines are designed with sufficient capacity to manage extraordinary spikes. The Company has multiple agreements with long distance providers to absorb excess calling, if needed. Plains Internet has mobile towers, and mobile generators available for deployment to areas where there are traffic spikes, due to emergencies or special events. Again, Plains Internet satisfies this requirement for ETC designation.

Consumer Protection and Service Quality Standards.

Plains Internet certifies that it will satisfy all applicable consumer protection and service quality standards applicable to CAF Phase II support recipients. The FCC, however, has waived the consumer protection certification after determining that it was not essential to its ability to monitor an ETCs use of support for its intended purposes.

GRANT OF THIS PETITION WILL SERVE THE PUBLIC INTEREST

Granting Plains Internet, the requested ETC designation for purposes of receiving CAF Phase II support will serve the public interest. The FCC has found that in the context of CAF Phase II, bidders demonstrate their ability

to efficiently offer services through the competitive bidding process while in their short and long form applications, bidders demonstrate their ability to meet their public interest obligations. Through such a process, the FCC conducts the cost benefit analysis for ETC designation. Accordingly, carriers need not provide additional specific evidence of service to the public interest in their petitions for ETC designation.²⁹ Additionally, granting this petition will promote the rapid deployment of advanced services to unserved and unserved areas of New Mexico in an efficient manner. Grant of this petition also will ensure that CAF Phase IT support is used efficiently and effectively

NEW MEXICO ETC CARRIER APPLICATION (FCC) CAF PHASE II AUCTION FORM

Plains Internet provides Attachments to the PRC as requested in its
September 12, 2018

Attachment A is a list of the Census Blocks awarded to Plains Internet by the FCC. That total is for \$2,582,772 assigned support over a 10-year period. Attachment B are maps that show our awarded areas.

CONCLUSION

Designating Plains Internet as an ETC for purposes of receiving CAF Phase IT support is consistent with the requirements of Section 214(e)(2) of the Act and is in the public interest. For all of the foregoing reasons, Plains Internet respectfully requests that the NM PRC expeditiously grant its request for designation as an ETC for the census blocks attached.

Respectfully submitted,

By: _____

Joseph Monroe

7519 Canyon Drive

Amarillo, TX 79110

806-340-7312

joseph@plainsinternet.com